IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

NO. 80-5551

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031

Appellant

RECEIVED
OCT 17 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

V.

Warren E. Burger
U. S. Supreme Court Judge
Supreme Court Bldg.
Washington, D. C.

Byron R. White
William J. Brennon, Jr.
Potter Stewart
Thurgood Marshall
Harry A. Blackmun
Lewis F. Powell, Jr.
John Paul Stevens
William H. Rehnquist
U. S. Supreme Court Judges
Supreme Court Bldg.
Washington, D. C.

Appelles

JURISDICTIONAL STATEMENT

~~PETITION FOR DIRECT~~ APPEAL TO THE UNITED STATES

SUPREME COURT TO REVIEW THE ORDER IN THIS CASE.

William E. Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031
Pro-se

Copy mailed to Defendants at addresses stated above.
Solicitor General, Dept. of Justice, Washington, D. C.

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80-5551

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Appellant William E. Conrad moves the Court for an order permitting him to proceed in this Court, in forma pauperis, with his appeal, writ of error, from the order entered in United States District Court for the District of Columbia entered on August 20,1980, pursuant to Rule 46 of this Court. Leave was granted by the above court to proceed in forma pauperis, and in support of attaches affidavit of said Appellant.

Affidavit of William E. Conrad

William E. Conrad, being duly sworn, deposes and says;

I am a citizen of the United States and plaintiff in the action.

I desire to prosecute an appeal from the Order entered without jurisdiction of the United States District Court for the District of Columbia, as a Writ of Error entered in this cause August 20, 1980, pursuant to T 28 U.S.C. 1915 and Act of March 3, 1891 C. 517 #5,#6, 26 Stat. 827,828. Because of my imposed poverty I am unable to pay the costs of such appeal or give security therfor and still be able to provide myself and my dependants with the necessities of life.

I am unable to obtain a certified copy of the record in the court below without payment of fees and costs.

I am entitled to the redress I seekby such appeal, writ of error, and such appeal presents substantial federal and constitutional questions.

I provide the sole means of support for my wife Jean, and for my two children Colleen and Steven.

I have no savings or bank account,own an automobile value approximately valued between $500.00 and $1,000.00.

Wherefore, affiant prays that he may have laeve to proceed in this court on appeal, writ of error in forma pauperis.

William E. Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031

Subscribed and sworn to before me this 29 day of Sept., 1980

Notary Public

My Commission expires May 4, 1982 County of St. Louis Missouri

JURISDICTIONAL STATEMENT

1A 1. Has Act of Congress March 3, 1891 C. 517, #5, 6, 26 Stat 827, 828 been repealed?

2. Has Act of Congress September 24, 1789 C.29, 1 Stat. 73 been repealed?

3. Has Act of Congress April 9, 1866 Ch.31, 14 Stat 27 been repealed?

4. Can Congress of the United States pass Acts affecting Constitutional Rights, Vested Rights enunciated, or not, enumerated in the United States Constitution?

5. Are not the Federal Rules of Civil Procedure in conflict with the United States Constitution?

6. Is United States Code Title 28-1915 in conflict with due process clause provisions of United States Constitution?

7. Is Act of Congress June 25, 1948 C.646 62 Stat 869 new law, new enactment of new laws?

B. William E. Conrad vs. Warren E. Burger, Byron R. White, William J. Brennan, Jr, Potter Stewart, Thurgood Marshall, Harry A. Blackmun, Lewis F. Powell, Jr, John Paul Stevens, William H. Rehnquist.
Case No. 80-2143

C. Act of September 24, 1789 A. 1
Act of April 9, 1866 A. 2
Act of March 3, 1891 A. 3
Act of June 25, 1948 A. 4

Abell v U.S., 518 F.2d. 1369, 1376
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Re Giannini Inc. 90 F.2d. 445
Roach v Mulingo, 16 Peters 319, 322
Shields v Coleman, 157 U.S. 168, 176-177
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State ex rel Coonley v Hall 246 S.W. 35, 296 MO. 201
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Wartman v Branch 7 Civil D.Cty. Ct.
Milwaukee Cty, Wis. 510 F.2d. 130
Wayman v Southard, 23 U.S. 1. 13-15, 42-43

D. Motion for Leave to File in Forma Pauperis filed August 11, 1980 "Leave to file without prepayment of costs granted. Dismissed 28 USC 1915(d) See 79-0846, 79-3248, 80-1087 August 20, Judge Hart" (R. 1

Motion for Leave to File for Notice of Appeal in forma pauperis filed September 9, 1980 "Denied. This Court has no authority to grant the relief requested. Hart 9/9/80."

United States District Court for the District of Columbia did not send Mesne report. (See R.2)

Notice of Appeal and Bill of Exceptions filed September 9, 1980. R.2

E. This is a proceeding for vindication of Federal Civil Rights and Right of access to the courts of the United States of America. This Court has jurisdiction and is mandated by Act of March 3, 1891 C.517 #5,6, 26 Stat 827,828 to accept direct appeal "In any case in which the jurisdiction of the Court is in issue; in such cases the question of the jurisdiction alone shall be certified to the Supreme Court from the Court below for decision. In any case that involves the construction or application of the Constitution of the United States. In any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority, is drawn in question." The Act has never been repealed and is submitted for judicial notice as legal evidence under United States Code Title 1-112.

(11) Order was entered August 20, 1980, Notice of Appeal filed September 9, 1980 (R.1,2)
United States District Court for the District of Columbia.

(111) Act of March 3, 1891 C.517 #5,#6 26 Stat. 827, 828
Lau Ow Bew 12 S.Ct. 517,519
Shield v Coleman 157 U.S. 168, 176-177
Smyth v Asphalt Belt Ry 267 U.S. 326, 327
Abell v U.S. 518 F.2d. 1369, 1376
In Re Bear River Drainage Dist. 267 F.2d. 849

F. Text in Appendix
Act of September 24, 1789 C. 29 1 Stat 73
Act of April 9, 1866 C. 31 14 Stat 27
Act of March 3, 1891 C.517 26 Stat 826
Act of June 25, 1948 C.646 62 Stat 569

G. Appellant submitted 3 seperate complaints to the United States District Court for the District of Columbia, which were illegally submitted to one judge instead of (3) three judges. (See local Rules) Each was delayed, abated from August 11, to August 20, 1980. The Court never applied Federal Rules of Civil Procedure 3, 4, 5. The judge under color of law interfered into the case and submitted his own evidence, after his own investigation, with or without defendants knowledge, quashed petitions and summons, which were never delivered in total violation of Constitutional Rights of Act of Congress September 24, 1789 C.29 1 Stat. 73, (Sections (8) oath of office, (9,12,15,17) trial by jury, (30) oral testimony, (32) No summons, process to be quashed, abated: Denied Due process of Law, (35) Parties to plead own cases personally.) which has never been repealed by the United States Congress. (act enclosed under USC T-112 as legal evidence)

Section 32 of Act of September 24, 1789 Ch 20 1 Stat 73 states "That no summons, writ, declaration, return, process, judgment, or other proceedings in civil causes in any of the Courts of the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, "- - - - -.

The issues raised under the United States Constitution and the Federal Civil Rights Act of April 9, 1866 C. 31,14 Stat 27 were never considered, never adjudicated, the Act of 1866, 9 April has never been repealed.

H. This Court derives Judicial power from the United States Constitution and from the Special Statutes made pursuant to it. This Court is bound by the Constitutional Oath of Office, the mandatory provisions of the Constitutional appellate judicial power and the mandatory, statutory provisions of an unrepealed Act of Congress March 3, 1891 C.517 #5, #6, 26 Stat. 827,828. Judge Hart under the color of law has submitted his own evidence in a cause where he is not a party, entered a judgment without Constitutional or statutory authority, the court never acquired jurisdiction over the parties, subject matter or to render a decision to suborn this appellants Constitutional Rights. The Federal Rules of Civil Procedure and U.S.C. T-28-1915 exercised under Act of June 25, 1948 C.646. 62 Stat. 869 are prohibited by the United States Constitution as Bills of Attainder.

Briefs on the merits and oral argument require plenary consideration as this appellant is the first United States Citizen to be punished by Bill of Attainder and Judicial Attainder with the imposition of punishment without trial by jury, or access to the courts of the United States for resolution of the Bill of Attainder and Judicial Attainder.

The first and formost duty of any federal court is to inquire into it's own constitutional exercise of jurisdiction, and under constitutional grant of jurisdictional power, must proceed and give judgment according as the right of the cause and the matter in law shall appear unto them, as the True Right of Due Process of Law.

BRIEF

1A 1. Has Act of Congress March 3, 1891 C. 517, #5, 6, 26 Stat 827, 828 been repealed?

2. Has Act of Congress September 24, 1789 C.29, 1 Stat. 73 been repealed?

3. Has Act of Congress April 9, 1866 Ch.31, 14 Stat 27 been repealed?

4. Can Congress of the United States pass Acts affecting Constitutional Rights, Vested Rights enunciated, or not, enumerated in the United States Constitution?

5. Are not the Federal Rules of Civil Procedure in conflict with the United States Constitution?

6. Is United States Code Title 28-1915 in conflict with due process clause provisions of United Sta tes Constitution?

7. Is Act of Congress June 25, 1948 C.646 62 Stat 869 new law, new enactment of new laws?

B. William E. Conrad vs. Warren E. Burger, Byron R. White, William J. Brennan, Jr, Potter Stewart, Thurgood Marshall, Harry A. Blackmun, Lewis F. Powell, Jr, John Paul Stevens, William H. Rehnquist.
Case No. 80-2143

C. Act of September 24, 1789 A. 1
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Act of June 25, 1948 A. 4

Abell v U.S., 518 F.2d. 1369, 1376
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Lau Ow Bew v. U.S. 12 S.Ct. 517, 519
McVeigh v U.S. 8 Wall 640
Nichols v Schubert, 499 F.2d. 946
Railroad Co. v Linsay 4 Wall, 650, 656
Re Giannini Inc. 90 F.2d. 445
Roach v Hulingo, 16 Peters 319, 322
Shields v Coleman, 157 U.S. 168, 176-177
Sinwell v Shopp 536 F.2d. 15,18
Smyth v Asphalt Belt Ry 267 U.S. 326, 327
State ex rel Coonley v Hall
246 S.W. 35, 296 MO. 201
U.S. v Borden Co. 308 U.S. 188, 198 60 S.Ct. 182, 188
Wartman v Branch 7 Civil D. Cty. Ct.
Milwaukee Cty, Wis. 510 F.2d. 130
Wayman V Southard, 23 U.S 1, 13-15, 42-43

D. Motion for Leave to File in Forma Pauperis filed August 11, 1980 "Leave to file without prepayment of costs granted. Dismissed 28 USC 1915(d) See 79-0846, 79-3248, 80-1087 August 20, Judge Hart")R.1

Motion for Leave to file for Notice of Appeal in forma pauperis filed September 9, 1980 "Denied. This court has no authority to grant the relief requested. Hart 9/9/80"

United States District Court for the District of Columbia did not send Mesne report. (See R.2)

Notice of Appeal and Bill of Exceptions filed September 9,1980. R.2

This is a proceeding for vindication of Federal Civil Rights and Right of Access to the Courts of the United States of America. This Court has jurisdiction and is mandated by Act of March 3, 1891 C. 517 #5,6, 26 Stat 827,828 to accept direct appeal "In any case in which the jurisdiction of the Court is in issue; in such cases the question of the jurisdiction alone shall be certified to the Supreme Court from the Court below for decision. In any case that involves the construction or application of the Constitution of the United States. In any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under the authority, is drawn in question." The Act has never been repealed and is submitted for judicial notice as legal evidence under United States Code Title 1-112.

This direct appeal, Writ of Error is submitted within the (60) sixty day filing period.

F. (Text in Appendix)
Act of September 24, 1789 C. 29 1 Stat 73
Act of April 9, 1866 C.31 14 Stat 27
Act of March 3, 1891 C.517 26 Stat 826
Act of June 25, 1948 C.646 62 Stat. 869

G. Appellant filed complaint; summons and petition quashed and dismissed. When appeal is filed, it also is dismissed without going to the merits of the petition or to the merits of the appeal. The Federal Rules of Civil Procedure are not followed by the Federal Courts and Federal Judges. The United States Constitution is not followed by the Federal Courts and Federal Judges. (R. 1,2)
(See Act of September 24, 1789 C.29 1 Stat. 73 A.1)
(See Act of March 3, 1891 C. 517 26 Stat. 826 A.3)

Section 32 of Act of September 24, 1789 C.29 1 Stat 73 states "That no summons, wrt, declaration, return, process, judgment, or other proceedings in civil causes in any of the courts of the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form,"- - - -. A.3 Act of March 3, 1891 C.517 #5,6, 26 Stat 827,

H. When a petition is filed in any federal court the summons and process cannot be quashed, abated, nor can the appeal be dismissed by the Supreme Court judges without going to the merits of the cause.

A1. Act of September 24, 1789 C.29 1 Stat 73 #32, McVeigh v. U.S., 8 Wall 640, Railroad Co. v Lindsay, 4 Wall 650, 656, Roach v Hulingo, 16 Peters 319,322,1 Gallis C.C. R. 22.
A.3 Act of March 3, 1891 C.517 #5,6, 26 Stat 827,828, Lau Ow Bew v U.S.. 12 S.Ct. 517,519, Shields v Coleman, 157 U.S.. 168, 176-177 Smyth v Asphalt Belt Ry.. 267 U.S.. 326,327

Federal Rules of Civil Procedure, Federal Rules of Appellate Procedure and Supreme Court Rules are in conflict with the United States Constitution and Statutes at Large and must be declared void and unconstitutional.
Wayman v Southard, 23 U.S. 1, 13-15, 42-43, 10 Wheat 1.

Supreme Court is mandated to receive a direct appeal (Act of March 3, 1891) whenever a final judgment of the court below is void.
State ex rel Coonley v Hall, 246 S.W. 35, 296 Mo. 201. King v Riley, 498 S.W. 2d. 564,566.

Once judge has granted permission to proceed in forma pauperis the matter cannot be dismissed until summons and process has been served.
Wartman v Branch 7 Civil D. Cty. Ct. Milwaukee Cty, Wis. 510 F.2d. 130.
Nichols v Schubert, 499 F.2d. 946,. Sinwell v Shopp 536 F.2d. 15,18.
Dear v Rahje, 485 F.2d.. 558,560.

Federal Rules of Civil Procedure of mandatory character, a judge has no discretion to dispense with it.
Re Giannini, Inc. 90 F.2d.445

Repeals of statutes by implication are not favored, and intention of Congress to repeal, modify or supercede must be clear and manifest.
in Re Bear River Drainage Dist. 267 F.2d. 849. Lau Ow Bew v. U.S. 12 S.Ct. 517,519. U.S.. v. Borden Co., 308 U.S. 188,198 60 S.Ct. 128,188.

A.2 Act of April 9, 1866 C.31 14 Stat 29 provides civil vindication of Federal Civil Rights denied or withheld under the color of law. The Civil Rights Act only enunciates and enumerates the common law rights protected by the United States Constitution. Just as Act of September 24, 1789 C.29 I Stat 73 enunciates and enumerates constitutional rights in Sections 8, oath of office, 9,12,15,17, trial by jury, 30, testimony and oral testimony, 32, no summons, process to be quashed, abated; Due process clause, 35, parties to plead clauses personally.

A.4 Act of June 25, 1948 C.646 62 Stat 869 must acceed to: Where there is a conflict between codification and Statutes at Large, Statutes at Large must prevail.
Abell v U.S. 518 F.2d. 1369, 1376.

Court rules cannot shift the burden of Proof, it is the courts duty to inquire of its jurisdiction.

U.S.C. T-1-112 requires submission to the Court of the Statute at Large still in effect, Judicial notice as legal evidence of Supreme Law of the Land, as a special statute made pursuant to the United States Constitution. A.6

J. I demand the whole case be brought before Supreme Court immediately for resolution according to the Constitution and Statutes made pursuant to it. I demand my Constitutional Right of Appeal, Oral argument to defend my Rights, and access to the courts of the United States.

CLERK'S OFFICE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C., 20001

CO-217
Rev. 3/7

August 21, 1980

William E. Conrad

vs. Civil Action No. 80-2143

Warren E. Burger, et al.

Dear Mr. Conrad,

In the above-entitled cause, please be advised that on August 20, 1980, Judge Hart endorsed thereon as follows:

"Leave to file without prepayment of costs granted. Dismissed 28 USC 1915(d). See 79-0846, 79-3248, 80-1087, 80-2141 & 80-2142 John Pratt John Cowan"

JAMES F. DAVEY, Clerk

By: Deputy Clerk

(All correspondence and papers in connection with the case pending should bear the number referred to above.)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

FILED

SEP 9 1980

JAMES F. DAVEY, Clerk

WILLIAM E. CONRAD

VS

WARREN E. BURGER, et al

NO. 80-2143

MOTION FOR LEAVE TO FILE NOTICE OF APPEAL IN FORMA PAUPERIS

William E. Conrad forma pauperis Plaintiff with supporting affidavit in Cause No. 80-2143 moves the Court for an order permitting him to file a Writ of Error, Appeal to the Supreme Court of the United States.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that William E. Conrad forma pauperis Plaintiff, hereby Appeals to the Supreme Court of the United States from the Final Order dismissing Complaint CA No. 80-2143. "Leave to file without prepayment of costs granted. Dismissed 28 USC 1915 (d). See 79-0846, 79-3248, 80-1087, 80-2141 and 80-2142."

August 20, 1980 Judge Hart

This appeal is taken pursuant to Statute at Large of March 3, 1891 C 517 5, 6, 26 Stat 827, 828, Act of August 24, 1937 C. 754 2, 50 Stat. 752, 755, 28 USC T-28-1252.

Bill of Exceptions, Assignment of Errors attached.

9/10/80
Leave to appeal in forma pauperis denied. Clerk shall docket appeal but no authority to grant the relief requested.

FILED

SEP 10 1980

JAMES F. DAVEY, Clerk

William E. Conrad

2856 Dividend Park Dr.
Florissant, Mo. 63031

I have this day September 4, 1980 mailed copy to defendants as address stated.

ORIGINAL COPY

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

NO. 80-5551

RECEIVED
DEC 1 - 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

William E. Conrad

V.

Warren E. Burger, et al

Appendix
ADDENDUM TO JURISDICTIONAL STATEMENT AND BRIEF

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031
Pro-se
November 24, 1980

Copy mailed to: Solicitor General, Dept. of Justice, Washington D.C. 1 copy enclosed pursuant to Justice Burgers approval granted in petitioners letter of October 13, 1980.

10

Act of Congress September 24, 1789 ch 20 1 Stat 73 Section 32 was entered complete as Section 954 Revised statute of 1873-1874 became U.S.C. T-28-777, in 1948, U.S.C. T-28-777 62 Stat Repealed, P. 993. See Civ. Proc. R. 1, 15, 61: U.S.C.A. Rev. T. P.44.

Section 34 was entered complete as Section 721 Revised Statutes of 1973-1874 later 62 Stat. P.992 became USC T-28-725, in 1948 USC T-28 1652. USCA Revised Tables P.43.

62 Stat. P.994 does not reveal repeal of Act of September 24,1789 Ch. 20. 1 Stat. 73. Congress has never passed a repeal of Act of September 24,1789 Ch. 20 1 Stat. 73, because the act enunciated and enumerated in statute form Constitutional and Common Law Rights.

REVISED STATUTES (Preface) 1873-74 June 22 1874 Hamilton Fish
"And whereas, by section 1 of an act entitled "An act providing for the authentication of the Revised Statutes of the United States and for preserving the originals of all laws in the Department of State,".. . (Enclosed under USC T 1 112)

Congressional Record January 21,1874 P.823; "Mr. Meyers: While this Codification of the laws is intended in nowise to alter the existing statutes but to gather them together in such a manner that they may be best understood,..." .

Congressional Record January 21, 1874 P. 819-821 In House: Mr. Poland We desire to establish in the first place that this was not a work where there was to be new legislation.

P. 827-828 "Civil Rights"

Congressional Record May 27, 1874 P. 4284-4285
In Senate: Mr. Conkling. The repealing and saving clauses are very careful and very broad, preserving all accrued rights on both sides, preserving penalties where they have accrued, preserving rights and opportunities when they have accrued and providing with I think very thorough carefulness of language that no person and no right shall suffer by any casus omissus or the like which may be found in the work:

Revised Statutes, Title LXXIV (74) Section 5596: "All acts of Congress passed prior to said first day of December one thousand eight hundred and seventh-three, any portion of which is embraced in any section of said revision, are hereby repealed.

Sec. 5597 The repeal of the several acts embraced in said revision, shall not affect any act done, or any right accruing or accrued, - - - but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made, ---. (Enclosed as legal evidence, under U.S.C. T-1-112, and U.S.C. T-1-111)

Mr. Justice Holmes observed, the Revised Statutes are "not lightly to be read as making a change."
U.S. v Sischo, 262 U.S. 165, 168-169, 1923

Codification, Revision, amending of Act of September 24, 1789, 1 Stat 73 was never intended as repeal , subsequent revisions and amending codification likewise, for the revisionary act enunciated and enumerated constitutional and common law "Rights" in every section,

each congressional intent to codify,, revise, amend contained an exclusionary clause, an exception clause, prohibiting subsequent interpretations by the judiciary to hold the words were to be construed in a repealing context.
(In Law Ow Bew)

Act of Congress March 3, 1891, Ch. 517 5, 6, 26 Stat 827, 828 repealed Revised Statutes 691, and became Sections 128, 238 of the Judicial code.

"In Law Ow Bew v U.S.. 12 S.C. 517, 519, the Words "unless otherwise provided by law" were manifestly inserted out of abundant caution, in order that any qualification of the jurisdiction by contemporaneous or subsequent acts should not be construed as taking it away except when expressly so provided. Intended repeals were intended to be thereby guarded against. To hold that the words referred to prior laws would defeat the purpose of the act, and be inconsistent with its context and its repealing clause."

Act of March 3, 1911 Ch. 231, 36 Stat 1133, 1157, Repealing Provisions 1168, 1169 where as Section 299 "The repeal of existing laws, or Amendments thereof, - - - shall not affect - -, any right accruing or accrued, - -". Section 294, P.1167 "The provisions of this Act, so far as they are substantially the same as existing statutes, shall be construed as continuations thereof, and not as new enactments, and there shall be no implication of a change of intent by reason of a change of words in such statute, unless such change of intent shall be clearly manifest." (State of Maine v Joline Thiloutot, S. Ct. ..... ?, 1980, held;
"Act of March 3, 1911, 36 Stat 1092 #24 (Fourteenth) Yet there is no indication in the legislative history of the 1911 Act that Congress intended to change the scope of federal jurisdiction."

Act of January 28, 1915 Ch.. 22 38 Stat 803,804 amended sections 128, 238 to include First Circuit, Porto Rico added to.. (S.R. No.. 847 63rd Congress 3rd session,. Calender No. 741)

Act of September 14, 1922 Ch. 305 42 Stat 837 Amended Section 238 by adding thereto a new section 238 (a).

Act of February 13, 1925 Ch. 229 43 Stat 936 "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.. That Sections 128, 129, 237,238,239, and 240 of the Judicial Code as now existing be, and they are severly, amended and reenacted to read as follows: Sec 128, infra. Section 238,. infra.

Section 13. P. 941 "That the following Statutes and parts of statutes be, and they are, repealed: Sections 130,131,133,134,181,182,236,241, 242,243,244,245,246,247,248,249,250,251, and 252 of the Judicial Code." "An Act entitled An Act to amend the Judicial Code in reference to appeals and writs of errors," approved September 14, 1922"

Sec. 128 (a) The circuit courts of appeal shall have appellate jurisdiction to review by appeal or writ of error final decision - first. In the district courts, in all cases save where direct review of the decision may be had in the Supreme Court under Section 238." Section 128 became Section 225 under Judicial Code 1925.

Section 238 "A direct review of the Supreme Court of an interlocutory or final judgment or decreee of a district court may be had where it is so provided in the following Acts or parts of Acts, and not otherwise:." Section 238 became Section 345 under Judicial Code 1925.

Sec. 128,238, are not included in the repealing Section 13.

PREFACE

This Code is the official restatement in convenient form of the general and permanent laws of the United States in force December 7, 1925, now scattered in 25 volumes - 1 - e, The Revised Statutes of 1878, and volumes 20 to 43 inclusive, of the Statutes at Large. No new law is enacted and no law repealed. It is prima facie the law. It is presumed to be the law. The presumption is rebuttable by production of prior unrepealed Acts of Congress at variance with the Code. (Act of June 30,1926 44Stat. 777 enclosed)
Scrutiny of this Code is invited. Constructive criticism is solicited. Washington, June 30, 1926 Roy G. Fitzgerald, Chairman.

Section 238 became Section 345 under the Judicial Code of 1925
Section 128 became Section 225 under the Judicial Code of 1925.

Ch 13 Repealing Provisions
Section 442 Judicial Code 1925 T-28-P.913. The repeal by the Judicial Code of laws existing prior to March 3, 1911, or the amendments thereof, embraced in the Judicial Code shall not affect any act done, or any right accruing or accrued,- - -.

H.R. No. 1075 68th Congress 2nd Sess. January 6, 1925 Jurisdiction of the Circuit Courts of Appeals and of the Supreme Court.

THE BILL

It is one prepared by justices of the Supreme Court, not as volunteers, - - -. - - -, which was submitted to all justices and approved by them. (U.S. v First Nat. Bank, 234 U.S. 245, 58 L.ed 1298, 34 S.Ct. 846) "It is not within the province of a Court in the course of construction of a statute, to make or suprevise Legislation."

Is the Act of February 13, 1925 unconstitutional, as the Supreme Court has no revisionary power nor the power of repeal?

Is it the contention of the Supreme Court thru a revision, or amending act is a repealing act, where not clearly stated, and that exception incorporated in an Act of Congress regarding Rights affected, accruing or accrued carry no weight, and are to be disregarded and ignored, or to be omitted in consideration of the Act of Congress?

JURISDICTION OF THE CIRCUIT COURT OF APPEALS

This Court is misled in law, by a House Report submitted by the Sponsor of the bill in the House of Representatives.

Wherein H.R. 1075 Mr. Graham January 6, 1925 P.5 "The new bill abolishes this direct review of the Supreme Court in all these except the four instanses first mentioned and makes them subject to review by writ or error or appeal in the circuit court of appeals, and thence they are only reviewable by certiorari or certificate in the Supreme Court."

P. 7 In addition of these changes in jurisdiction, there are in the proposed bill some remedial amendments of a general character.

P. 8 Verifies, Act of 1891 as the jurisdictional Act exercised.

Are House and Senate Reports Supreme Law of the Land?

Are House and Senate Reports, Acts of Congress, Legislative Law?

Are house and Senate Reports signed by the President of the United States? Is it not a "Right" to have access to the Courts and an impartial tribunal?

Congressional Record-Senate May 2, 1882 P.3503 Mr. Morgan;
If there is one proposition connected with our judicial establishment which is absolutely true it is that we have but one Supreme Court. In that Supreme Court the Constitution says that the judicial power of the United States is lodged. Now, what is the judicial power of the United States? It is all the power to administer justice that belongs to any government, except so far as it is limited by the express qualifications in the Constitution. The judicial power of a State, which is unlimited except by the provisions of the Constitution of the United States, extends to every question of judicial inquiry, whether it is civil or criminal. The judicial power of the United States extends to every question of judicial cognizance, whether civil or criminal, unless an exception is created by some of the other provisions of the Constitution.
It has been argued that the appellate jurisdiction of the United States Supreme Court is given by statute. It seems to me that no proposition could be more fallacious than that; that jurisdiction is given by the Constitution of the United States, subject to regulation and control by statute. We can carve out of that jurisdiction what we please. we can deny to the Supreme Court by an act of Congress the power to exercise appellate jurisdiction in cases where we think it should not exercise appellate jurisdiction, but the power was in the Constitution originally lodged in the courts subject to the modification and control of Congress. That does not destroy the unity of the Supreme Court of the United States, nor does it in the slightest degree impair its supremecy as an appellate tribunial. The Supreme Court of the United States is not to exercise such appellate power only as we may dole it out to the courts, for it has appellate power, but it exercises that power in subordination of the legislative will. That is the true statement of the proposition.

It follows that the intent of,Congress carries no weight unless the statute contains the enforcing words.

Page 3502. After we have enacted laws under the Constitution they pass into the hands of excutive officers of the government for direct application to the people. Before the laws can be administered under our system directly upon or against the people in this country, there must be an intervention of some judicial tribunal;.... . It has, therefore, become an axiomatic principle in our Government, applicable more particularly to ours than any other form of government with which I am acquainted, that justice shall be administered speedily, and without sale, denial, or delay.

In U.S. v Rhodes, Fed. Case No. 16151 P.706,

"Averment and proof could not bring into the case more effectively for any purpose than it is already there." (Cases cited)

I have now presented researched law, that was the Supreme Court's duty, to exercise it's own jurisdiction, and if in doubt, permit this petitioner the Constitutional Right to present by oral argument, testimony to his legal evidence justifying the right to present his case to appellate review.

There is no congressional exception of prohibition that prevents the United States Supreme Court to exercise its supervisory and superintending powers over the inferior courts., as in the present case.

If all appeals to the Supreme Court were without "Right", Then Why enact Act of August 24, 1937 Ch. 754 50 Stat 752; This section shall not be construed to be in derogation of any right of direct appeal to the Supreme Court of the United States under existing provisions of law. ?

Is it the contention of this court; where Congress cannot repeal accruring and accrued rights, that the Supreme Court has repealing power, or Judicial Power to omit, or ignore Constitutional Rights and Common Law Rights?

Act of January 31, 1928 Ch. 14 45 Stat. 54 (Repealed)

Act of April 26, 1928 Ch.440 45 Stat. 466
Section 2:"The Statutes regulating the right to a writ of error, ... defining relief which may be had thereon, and prescribing the mode of exercising that right and invoking such relief, including the provision relating to costs, supercedeas, and mandate, shall be applicable to the appeal which the proceding section substitutes for a writ of error.",

became USC T 18 681 and USC T 28 861a,b, USCA Tables P.245,248, Statutes at Large P.516, Revised Titles P.340, USCA P.44, 62 Stat. P. 1001, USC T 28 861a,(Repealed) USC T 28 861b (Never Repealed)

Act of June 25, 1948 62 Stat. 990;
Section 23 Section 2 of the Act approved January 31,1928 (Ch.14, 45 Stat.54) as amended, is amended to read as follows: Sec. 2 "All Acts of Congress referring to writs of error shall be construed as amended to the extent necessary to substitute appeal for writ of error."
(70th Congress 1st Sess. H.R. 1071)

Is it this Courts contention that Section 23 Sec.2 is a repealing statute, wherein the act of April 26, 1928 is repealed, or authority for the codifier to omit an act of Congress passed and signed into Law?

Is it this Courts contention it has Judicial Authority, or Judicial Power to omit or ignore "shall be construed as amended to the extent necessary to substitute appeal for writ of error"?

I demand a Bill of Particulars on what is REPEALED?

Act of June 25, 1948 Ch. 646 62 Stat. 869 "2b; The provisions of title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the organization of each of the several courts therein provided for and of the Administrative Offices of the United States Courts, shall be construed as continuations of existing laws,... ." "No loss of rights, interuption of jurisdiction, or prejudice to matters pending in any of such courts on the effective date of this Act shall result from its enactment."

Section 39. The section or parts therof of the Revised Statutes of the District of Columbia, Revised Statutes of the United States or Statutes at Large enumerated in the following schedule are hereby repealed. Any rights or liabilities now existing under such sections or parts therof shall not be affected by this repeal.
(See United States Code Title 28 Judiciary and Judicial Procedure P.1 Legislative Construction, Repeals, Rights and Liabilities Saved, Title 28 as Continuation of Existing Law; change of Name of Circuit Courts of Appeals.)

Are the words "No loss of rights, interuption of jurisdiction ..shall result from.. enactment" hollow, do they not carry weight, are they not limiting, prohibiting judicial power, but maintaining access to the courts jurisdiction. Is it not true, Congress has not repealed Writ of Error, as a Writ of Right, only the nomenclature of the statute?

Revised Statutes
1873-1874

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

Whereas, by section 2 of an act entitled "An act providing for publication of the Revised Statutes and the laws of the United States," approved June 20, 1874, it is provided as follows, viz:

"SEC. 2. That the Secretary of State is hereby charged with the duty of causing to be prepared for printing, publication, and distribution, the Revised Statutes of the United States enacted at this present session of Congress; that he shall cause to be completed the head-notes of the several titles and chapters, and the marginal notes referring to the statutes from which each section was compiled and repealed by said revision, and references to the decisions of the courts of the United States explaining or expounding the same, and such decisions of State courts as he may deem expedient, with a full and complete index to the same. And when the same shall be completed, the said Secretary shall duly certify the same under the seal of the United States, and when printed and promulgated as hereinafter provided, the printed volumes shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States, and of the several States and Territories."

And whereas, by section 1 of an act entitled "An act providing for the authentication of the Revised Statutes of the United States and for preserving the originals of all laws in the Department of State," it is provided, "That the certificate to the printed volume of the Revised Statutes of the United States required by said section 2 of the act of June 20, 1874, shall be made by the Secretary of State under the seal of the Department of State."

Now, therefore, I, HAMILTON FISH, Secretary of State, do hereby certify that the following are the "Revised Statutes of the United States" as enacted by Congress on the 22d day of June, 1874, prepared, printed, and published according to the provisions of the said first-mentioned act of June 20, 1874.

In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this twenty-second day of February, A. D. 1875, and of the Independence of the United States of America the ninety-ninth.

HAMILTON FISH.

Revised Statutes 1873

Blacks 4th
Reserve: vt. To retain, or
Hold over To a future Time
Comm. Int. Rev. v 5 Treas 4th
124 F 2d. 360, 363

TITLE LXXIV.

REPEAL PROVISIONS.

Sec.
5595. What Revised Statutes embrace.
5596. Repeal of acts embraced in revision.
5597. Accrued rights reserved.
5598. Prosecutions and punishments.
5599. Acts of limitation.
5600. Arrangement and classification of sections.
5601. Acts passed since December 1, 1873, not affected.

What Revised Statutes embrace.

SEC. 5595. The foregoing seventy-three titles embrace the statutes of the United States general and permanent in their nature, in force on the 1st day of December one thousand eight hundred and seventy-three, as revised and consolidated by commissioners appointed under an act of Congress, and the same shall be designated and cited, as The Revised Statutes of the United States.

Repeal of acts embraced in revision.

SEC. 5596. All acts of Congress passed prior to said first day of December one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision, are hereby repealed, and the section applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in such revision, having been repealed or superseded by subsequent acts, or not being general and permanent in their nature: *Provided*, That the incorporation into said revision of any general and permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local, or temporary character, shall not repeal, or in any way affect any appropriation, or any provision of a private, local or temporary character, contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day no part of which are embraced in said revision, shall not be affected or changed by its enactment.

Blacks Law Dict 5th ed
Reserved:
Retained, kept set apart,
for a purpose or a person

Accrued: vested,
Accrued Right: a matured
Cause of Action, A legal author-
To demand Redress:

Accrued rights reserved.

Moseley v Hoar
174 Okl. 2,
49 P 2d. 546, 548

SEC. 5597. The repeal of the several acts embraced in said revision, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall said repeal, in any manner affect the right to any office, or change the term or tenure thereof.

Prosecutions and punishments.

SEC. 5598. All offenses committed, and all penalties or forfeitures incurred under any statute embraced in said revision prior to said repeal, may be prosecuted and punished in the same manner and with the same effect, as if said repeal had not been made.

Acts of limitation.

SEC. 5599. All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in said revision and covered by said repeal, shall not be affected thereby, but all suits, proceedings or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

Arrangement and classification of sections.

SEC. 5600. The arrangement and classification of the several sections of the revision have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the Title, under which any particular section is placed.

Sec 5601 The enactment of the said revision is not to affect or repeal
as act of Congress passed since the 1st day of December one thousand eight
hundred and seventy three, and all acts passed since that date are to
have full effect as if passed after the enactment of this revision, and so
far as such acts may from a conflict with any provision
contained in said revision, they are to have effect as subsequent
statutes, and as repealing any portion of the revision inconsistent therewith.
Approved June 22, 1874

PREFACE

This Code is the official restatement in convenient form of the general and permanent laws of the United States in force December 7, 1925, now scattered in 25 volumes—i. e., the Revised Statutes of 1878, and volumes 20 to 43, inclusive, of the Statutes at Large. No new law is enacted and no law repealed. It is prima facie the law. It is presumed to be the law. The presumption is rebuttable by production of prior unrepealed Acts of Congress at variance with the Code. Because of such possibility of error in the Code and of appeal to the Revised Statutes and Statutes at Large, a table of statutes repealed prior to December 7, 1925, will be published in the permanent edition together with the Articles of Confederation; The Declaration of Independence; Ordinance of 1787; the Constitution with amendments and index; tables of cross references to the Revised Statutes, the Statutes at Large, the United States Compiled Statutes, Annotated, of the West Publishing Co., and the Federal Statutes, Annotated, of the Edward Thompson Co.; an appendix with the general and permanent laws of the first session of the Sixty-ninth Congress; and finally an exhaustive index of the laws in the Code and appendix.

The first official codification of the general and permanent laws of the United States was made in 1874 and followed by a perfected edition in 1878. From 1897 to 1907 a commission was engaged in an effort to codify the great mass of accumulating legislation. The work of the commission involved an expenditure of over $300,000, but was never carried to completion. More recently the task of codification was undertaken by the late Hon. Edward C. Little as chairman of the Committee on the Revision of the Laws of the House of Representatives, who labored indefatigably from 1919 to the day of his death, June 24, 1924. The volumes which represented the result of his labors were embodied in bills which passed the House of Representatives in three successive Congresses unanimously but failed of action in the Senate.

The Code now set forth has resulted from the hearty cooperation of the Committee of the House of Representatives on the Revision of the Laws, and the Select Committee of the United States Senate consisting of Richard P. Ernst, chairman, George Wharton Pepper, and William Cabell Bruce. Under the auspices of the committees of the House and the Senate the actual work of assembling and classifying the mass of material has been done by the West Publishing Co. and the Edward Thompson Co. These two houses have subordinated their private interests to the public good and have produced a result which would have been impossible without them. Acknowledgment of valuable assistance is given to W. H. McClenon, of the Legislative Reference Division of the Library of Congress, and to the law officers and other representatives of the several departments, bureaus, and commissions of the Government. Appreciation is also expressed of the interest in the work taken by the Committee on the Revision of the Federal Statutes of the American Bar Association.

Scrutiny of this Code is invited. Constructive criticism is solicited. It is the ambition of the Committee on the Revision of the Laws of the House of Representatives gradually to perfect the Code by correcting errors, eliminating obsolete matter, and restating the law with logical completeness and with precision, brevity, and uniformity of expression.

Address criticisms to Chairman of the Committee on the Revision of the Laws of the House of Representatives, Washington, D. C.

WASHINGTON, *June 30, 1926.*

ROY G. FITZGERALD, *Chairman.*

JUNE 30, 1926
[H. R. 10000]
[PUBLIC, No. 440]
Chapter 712

THE CODE OF THE LAWS

OF THE

UNITED STATES OF AMERICA

OF A GENERAL AND PERMANENT CHARACTER IN FORCE DECEMBER SEVENTH, NINETEEN HUNDRED AND TWENTY-FIVE, CONSOLIDATED, CODIFIED, SET FORTH, AND PUBLISHED IN NINETEEN HUNDRED AND TWENTY-SIX, IN THE ONE HUNDRED AND FIFTIETH YEAR OF THE REPUBLIC, AT ITS FIRST SESSION, BY THE

SIXTY-NINTH CONGRESS

AN ACT

To consolidate, codify, and set forth the general and permanent laws of the United States in force December seventh, one thousand nine hundred and twenty-five

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifty titles hereinafter set forth are intended to embrace the laws of the United States, general and permanent in their nature, in force on the 7th day of December, 1925, compiled into a single volume under the authority of Congress, and designated "The Code of the Laws of the United States of America."

SEC. 2. In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

(a) The matter set forth in the Code, evidenced as hereinafter in this section provided, shall establish prima facie the laws of the United States, general and permanent in their nature, in force on the 7th day of December, 1925; but nothing in this Act shall be construed as repealing or amending any such law, or as enacting as new law any matter contained in the Code. In case of any inconsistency arising through omission or otherwise between the provisions of any section of this Code and the corresponding portion of legislation heretofore enacted effect shall be given for all purposes whatsoever to such enactments.

(b) Copies of this Act printed at the Government Printing Office and bearing its imprint shall be conclusive evidence of the original of the Code in the custody of the Secretary of State.

(c) The Code may be cited as "U. S. C."

THE CODE OF THE LAWS OF THE UNITED STATES OF AMERICA

TITLE 1.—GENERAL PROVISIONS

Chapter	Sec.
1. RULES OF CONSTRUCTION	1
2. ACTS AND RESOLUTIONS OF THE CONGRESS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS	21

Chapter 1.—RULES OF CONSTRUCTION.

Sec.
1. Words importing singular number, masculine gender, etc.; extended application.
2. "County" as including "parish," etc.
3. "Vessel" as including all means of water transportation.
4. "Vehicle" as including all means of land transportation.
5. "Company" and "association" as including successors and assigns.

Section 1. **Words importing singular number, masculine gender, etc.; extended application.**—In determining the meaning of any Act or resolution of Congress, words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the masculine gender may be applied to females; the words "insane person" and "lunatic" shall include every idiot, non compos, lunatic, and insane person; the word "person" may extend and be applied to partnerships and corporations, and the reference to any officer shall include any person authorized by law to perform the duties of such office, unless the context shows that such words were intended to be used in a more limited sense; and a requirement of an "oath" shall be deemed complied with by making affirmation in judicial form. (R. S. § 1.)

2. **"County" as including "parish," etc.**—The word "county" includes a parish, or any other equivalent subdivision of a State or Territory of the United States. (R. S. § 2.)

3. **"Vessel" as including all means of water transportation.**—The word "vessel" includes every description of water craft or other artificial contrivance used, or capable of being used, as a means of transportation on water. (R. S. § 3.)

4. **"Vehicle" as including all means of land transportation.**—The word "vehicle" includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land. (R. S. § 4.)

5. **"Company" and "association" as including successors and assigns.**—The word "company" or "association," when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association," in like manner as if these last-named words, or words of similar import, were expressed. (R. S. § 5.)

THE CODE OF LAWS

OF THE

UNITED STATES OF AMERICA

OF A GENERAL AND PERMANENT CHARACTER IN FORCE JANUARY TWENTIETH, NINETEEN HUNDRED AND SEVENTY-SEVEN

1976 EDITION

CONSOLIDATED, CODIFIED, SET FORTH, AND PUBLISHED IN NINETEEN HUNDRED AND SEVENTY-SEVEN, IN THE TWO HUNDRED AND FIRST YEAR OF THE REPUBLIC, UNDER THE SUPERVISION OF THE OFFICE OF THE LAW REVISION COUNSEL OF THE HOUSE OF REPRESENTATIVES, PURSUANT TO THE DUTY AND AUTHORITY IMPOSED UPON IT BY SECTION TWO HUNDRED AND EIGHTY-FIVE-B OF TITLE TWO

THE CODE OF THE LAWS OF THE UNITED STATES OF AMERICA, 1925 EDITION

JUNE 30, 1926
[H. R. 10000]
[PUBLIC, No. 440]
Chapter 712

AN ACT To consolidate, codify, and set forth the general and permanent laws of the United States in force December seventh, one thousand nine hundred and twenty-five

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[1]See section 204 (a) of Title 1 regarding titles that are legal evidence of the law.

Supplement

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

NO. 80-5551

ORIGINAL COPY

William E. Conrad

V.

Warren E. Burger, et al

2ND ADDENDUM TO JURISDICTIONAL STATEMENT AND BRIEF

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031
Pro-se

December 3, 1980

Copy mailed to: Solicitor General, Dept. of Justice, Washington, D.C. 1 copy enclosed pursuant to Justice Burgers approval granted in petitioners letter of October 13, 1980.

Section 13 of the Act of February 13,1925 is seperate, is exclusive, it deals only with the provisions of statutes and parts of statutes to be repealed, of the Judicial Code, of Acts designated in Section 13, none other.

Wherewith,"All other Acts or parts of Acts in so far as they are embraced within and superceded by this Act or are inconsistent therewith."(are repealed) pertains only to Section 13 exclusively, has no effect upon Amending Sections 1 thru 12, nor affect accruing and accrued Rights protected by the United States Constitution under the exception and exclusionary provision stated in Section 14 "nor shall it affect the right to a review,"

(Section 13)"Sections 2,4 and 5 of "An Act to Amend an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary approved March 3, 1911," approved January 28,1915." Refers to the Act of January 28,1915 exclusively, not the Act of March 3, 1911, nor Act of March 3, 1891. Sections 2,4 and 5 are part of Act of January 28,1915 not identified as such in Acts of March 3,1911, March 3,1891.

Nothing in the Act of February 13,1925,January 28,1915, March 3,1911 refers to , nor repeals the original Special Act of Congress March 3, 1891 Ch.517. 26 Stat, 826, #5,#6, 827,828.

The proposition that the Supreme Court of the United States mandatory jurisdiction is eliminated by the Act of February 13, 1925, or by ommission, or that the jurisdiction of the Supreme Court depends upon that given by statute is in conflict with the seperation of Power grant of the United States Constitution.(Article 3 Section 1; The Judicial Power of the United States, shall be vested in one supreme Court,)

There cannot be two (2) United States Appellate Courts with Judicial Power of final appealable order, or last final appealable order, or two (2) seperate Court(s) of last resort.

Congressional Record - Senate May 2,1882 P.3503 Mr. Morgan;"Therefore it is true that the Supreme Court of the United States is one supreme court, and any measure by which it may be undertaken to divide that Supreme Court into different sections will be in my judgment, an unconstitutional invasion of the Unity and authority of that great tribunal."

Act of February 13,1925, if considered by this court as constitutional, did not repeal Section 128,238, did in fact only amend Sections 128,238 Judicial Code being only Prima Facie, Presumed to be the Law, has in

"The very meaning of prima Facie" is that the Code cannot prevail over statutes at large when the two are inconsistent." Stephen v United States, 319 US 423,426, 63 S. Ct. 1135.

"Certainly where, as here, the "Change of arrangment" was made by a codifier without approval of Congress, it should be given no weight." Fourco Glass Co. v Transmission Corp.,353 US 222,227, 77 S. Ct 787 quoting Anderson v Pacific Coast S.S.Co. 225 US 187,198-199, 32 S. Ct. 626.

"If Construction (of a section of the United States Code which has not been enacted into positive law) is necessary, recourse must be had to the original statutes themselves." Murrell v Western Union Tel. Co. 160 F.2d.787,788 (quoted in United States v. Welden, 377 US 95, 12 L.ed.2d. 152, 84 S. Ct. 1042 (No 4 Key Statutes 140)

Act of March 3, 1911 Ch. 231. 36 Stat. 1168 Sec. 296
This Act may be designated and cited as "The Judicial Code."

This Court, in this case, should decree;

It shall be proclaimed by the United States Supreme Court that, Congress of the United States cannot pass acts repealing or affecting Constitutional Rights or Common Law Rights.

This petitioner demands emergency expediting of oral argument, as each day passes is punishment, deprivation of my family of the necessities of life and this petitioner the right to a lawful avocation.

This petitioner demands the Supreme Court suspend it's rules (In Re Giannini, Inc. 90 F.2nd. 445,447 citing U.S. v Breiting 20 How. 252,254) in this case until the Rules be scrutinized to the effect, whether they are constitutional or unconstitutional as applied. Weller v. Dickson, 314 F.2nd. 598,603 "I do not agree with the dictum in that case (Civil Rights) to the effect that the rules are the same in civil and criminal cases."

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No. 80-5551

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

ORIGINAL COPY

WILLIAM E. CONRAD, APPELLANT

v.

WARREN E. BURGER, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

MOTION TO DISMISS

WADE H. McCREE, JR.
Solicitor General
Department of Justice
Washington, D. C. 20530
(202) 633-2217

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

No. 80-5551

WILLIAM E. CONRAD, APPELLANT

v.

WARREN E. BURGER, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

MOTION TO DISMISS

Pursuant to Rule 16 of the Rules of this Court, appellees move to dismiss on the ground that the appeal is not within this Court's jurisdiction.

This is a direct appeal from a decision of a single judge district court dismissing appellant's in forma pauperis complaint as frivolous or malicious, pursuant to 28 U.S.C. 1915(d).[1/] The court cited five previous actions brought in the district court in support of its dismissal order. Appellant is attempting to appeal the district court's order directly to this Court.

1/ Appellant's motion to proceed in forma pauperis was granted by the district court on August 20, 1980 (Appellant's Brief p. 1). On September 10, 1980, the district court denied, as beyond its authority, appellant's motion to file a notice of appeal to this Court in forma pauperis (ibid.).

This Court lacks jurisdiction to entertain this appeal. The single judge district court did not hold an Act of Congress unconstitutional. See 28 U.S.C. 1252, 1253.[2/] Nor can this appeal be viewed as a petition for certiorari before judgment, because appellant chose not to seek review in the court of appeals. See 28 U.S.C. 1254, 2101(e). See also United States v. Nixon, 418 U.S. 683, 690-692 (1974); Stern & Gressman, Supreme Court Practice 54-55 (5th ed. 1978).

It is therefore respectfully submitted that the appeal should be dismissed for lack of jurisdiction.[3/]

WADE H. McCREE, JR.
Solicitor General

DECEMBER 1980

2/ Appellant apparently asserts that this Court has direct review jurisdiction under the Act of March 3, 1891, ch. 517, §5, 26 Stat. 827 (codified as Section 238 of the Judicial Code of 1911, 36 Stat. 1157, 1167). This provision was limited by amendment in the Act of February 13, 1925 (Pub. L. No. 415, §238, 43 Stat. 938), and the broader jurisdictional grant was withdrawn by repeal of Section 236 of the Judicial Code (43 Stat. 941 (1925)).

3/ The Court has jurisdiction to dismiss this patently frivolous appeal despite appellant's having named its members in the complaint. When an appeal from a district court is properly before the Court but a quorum is unavailable to hear and determine the case, 28 U.S.C. 2109 authorizes the Chief Justice to remit the case to the court of appeals for final determination. In our view, Section 2109 does not apply to an improper appeal. Cf. Mansfield, Coldwater & Lake Michigan R. Co. v. Swan, 112 U.S. 379, 381 (1884). Nor is 28 U.S.C. 455 applicable here. See Pilla v. American Bar Ass'n, 542 F.2d 56, 57-59 (8th Cir. 1976).

Pg 15 Jan 9 Conf

IN THE SUOREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

NO. 80-5551

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SUPREME COURT, U.S.

WILLIAM E. CONRAD, APPELLANT

ORIGINAL COPY

V.

WARREN E. BURGER, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLUMBIA

REPLY TO MOTION TO DISMISS

William E. Conrad
WILLIAM E. CONRAD
2856 DIVIDEND PARK DR.
FLORISSANT, MO. 63031

December 13, 1980

Copy mailed to: Solicitor General, Dept. of Justice, Washington, D.C.
1 copy enclosed pursurant to Justice Burgers approval granted in petitioners letter of October 13, 1980

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Page 1- Note 1: Appellee fails to mention service of summons and process quashed, never delivered. Court is without jurisdiction over subject matter, parties, or to render a decision. (Act of September 24, 1789 1 Stat.73,91 #32)

Note 1 (a): Appellant sent in Notice of Appeal to the U.S. District Court of D.C. with Motion to file in forma pauperis to release this petitioner of the $5.00 filing fee, well within the court's authority, as forma pauperis had been granted in the complaint.

Page 1: "The court cited five previous actions brought in the district court in support of its dismissed order."

Since when in American Jurisprudence can a judge without bias and prejudice, not a party, enter a cause to submit his own evidence, without rebuttal, decide in favor of defendants, never served, on issues of his own evidence exclusively.

Appellant filed a proper petition under notice provisions of the federal rules of civil procedure, wherein evidence or other materials are not necessary, but only fair notice and a short and simple statement.

Page 2: This court lacks the authority to ignore it's duty under the United States Constitution and Statutes made pursuant to it. Has no power to dismiss this Appeal, Writ of Error. (Act of September 24, 1789 1 Stat. 73,91 #32) Rules of the court cannot overrule Statutes.

Page 2 Note2: (Re 238Judicial Code) Appelee admits "This provision was limited by amendment in the Act of February 13,1925...."

But not Repealed. Act of March 3 1891 ch.517 26 Stat. 827 #5 is still Supreme Law of the Land made pursuant to the United States Constitution.

Appelee asserts"broader jurisdictional grant was withdrawn by repeal of Section 236 of the Judicial Code (43 Stat.941 (1925)".

Section 236 states: "The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for."

All that the Act of February 13,1925 section 13 (43 Stat.941 (1925)). did was to repeal section 236 that was presumed law, codified law, prima facie law, but did not repeal Act of March 3,1891 ch.517 #5, 26 Stat.827 here in issue.

United States Congress and United States Supreme Court cannot do that which the Constitution prohibits; 1. enforce a Bill of Attainder. 2. Repeal vested Rights. 3. Withdraw Due Process of Law.

Enclosed 1976 Edition The Code of Laws of the United States of America citing the enabling act of June 30, 1926 Pub. l. No.440 ch.713 44 Stat.777.

"In case of any inconsistency arising through omission or otherwise between the provisions of any section of this Code and the corresponding portion of Legislation heretofore enacted effect shall be given for all puproses whatsoever to such enactments."
(Stephan v U.S. 63 S. Ct. 1135, Wong Yang Sung v McGrath 70 S.Ct.445)

I did not raise the issue 28 USC 1253,1254,2101(e),2109.

I did not raise the issue regarding 28 USC 455 and leave the issue to the courts conscience.

I am offended that the solicitor general deceitfully reminds this court, this petitioner has in the past filed an affidavit of bias and prejudice under 28 USC 455. I have and will again if this court does not apply the Laws of the United States and the Constitution of the United States.

Under the Rules appellees reply was to be an affirmative defense, not omissions or raising of negative issues that have no application as presumptive law, codified law, prima facie the law, where there are in effect Statutes at Large that apply to the issues.

The Court must dismiss Appellee's Motion to Dismiss.

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THE CODE OF LAWS

OF THE

UNITED STATES OF AMERICA

OF A GENERAL AND PERMANENT CHARACTER IN FORCE JANUARY TWENTIETH, NINETEEN HUNDRED AND SEVENTY-SEVEN

1976 EDITION

CONSOLIDATED, CODIFIED, SET FORTH, AND PUBLISHED IN NINETEEN HUNDRED AND SEVENTY-SEVEN, IN THE TWO HUNDRED AND FIRST YEAR OF THE REPUBLIC, UNDER THE SUPERVISION OF THE OFFICE OF THE LAW REVISION COUNSEL OF THE HOUSE OF REPRESENTATIVES, PURSUANT TO THE DUTY AND AUTHORITY IMPOSED UPON IT BY SECTION TWO HUNDRED AND EIGHTY-FIVE-B OF TITLE TWO

THE CODE OF THE LAWS OF THE UNITED STATES OF AMERICA, 1925 EDITION

69th Congress

JUNE 30, 1926
[H. R. 10000]
[PUBLIC, No. 440]
Chapter 712
44 STAT. 777

AN ACT To consolidate, codify, and set forth the general and permanent laws of the United States in force December seventh, one thousand nine hundred and twenty-five

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifty titles hereinafter set forth are intended to embrace the laws of the United States, general and permanent in their nature, in force on the 7th day of December, 1925, compiled into a single volume under the authority of Congress, and designated "The Code of the Laws of the United States of America."

SEC. 2. In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

(a) The matter set forth in the Code, evidenced as hereinafter in this section provided, shall establish prima facie[1] the laws of the United States, general and permanent in their nature, in force on the 7th day of December, 1925; but nothing in this Act shall be construed as repealing or amending any such law, or as enacting as new law any matter contained in the Code. In case of any inconsistency arising through omission or otherwise between the provisions of any section of this Code and the corresponding portion of legislation heretofore enacted effect shall be given for all purposes whatsoever to such enactments.

(b) Copies of this Act printed at the Government Printing Office and bearing its imprint shall be conclusive evidence of the original of the Code in the custody of the Secretary of State.

(c) The Code may be cited as "U.S.C."

[1]See section 204 (a) of Title 1 regarding titles that are legal evidence of the law.